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6 *Court Appointed Pro Bono Attorney for Plaintiff*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 ROSEMARY VANDECAR, an Individual;

10 vs. Plaintiff,

11 **CASE NO.:** 2:20-cv-02150-ART-VCF

12 HAROLD WICKHAM, et al.

13 Defendants.

14 **STIPULATION TO EXTEND DISCOVERY**
(First Request)

15 Plaintiff, ROSEMARY VANDECAR (“Plaintiff”), through her attorney, Andréa L.
16 Vieira, Esq. of THE VIEIRA FIRM hereby Defendants NEVADA DEPARTMENT OF
17 CORRECTIONS (NDOC), JAMES BAUMGRAS, KARISSA CURRIER, MARQUISE L.
18 FRANKLIN, NICOLE HOLSTON, GABRIELA GARCIA-NAJERA, DEAN MEDEIROS,
19 JENNIFER NASH, DWIGHT NEVEN, RONALD OLIVER, DARIO SANCHEZ, ANDREW
20 TRUJILLO, and HAROLD WICKHAM, (collectively “Defendants”) through their attorneys
21 record, Aaron D. Ford, Esq. and Leo T. Hedges, Esq. of the OFFICE OF THE ATTORNEY
22 GENERAL, respectfully submit the following Stipulation to Extend Discovery Deadlines
23 outlined in ECF No. 66 at 2:16-3:5 (First Request):

24 **I. DISCOVERY COMPLETED**

25 Counsel met telephonically for an FRCP 26(f) conference on January 25, 2023.

26 Plaintiff served disclosures pursuant to FRCP 26, as follows:

27 1. Initial Disclosures: February 7, 2023



1 Defendant served disclosures pursuant to FRCP 26, as follows:

2 1. Initial Disclosures: February 8, 2023

3 No other discovery has been completed per the parties informal agreement to hold off on
4 discovery pending the settlement conference in this matter. The settlement conference took place
5 on April 25, 2023.

6 **II. DISCOVERY THAT REMAINS TO BE COMPLETED**

7 1. Written Discovery

8 2. Depositions of Parties

9 3. Depositions of NDOC's FRCP 30(b)(6) witnesses

10 4. Depositions of percipient witnesses

11 5. Deposition of treating providers

12 6. Expert discovery, including expert disclosures and depositions

13 7. Subpoenas to third parties for records and information

14 **III. REASONS THE REMAINING DISCOVERY WAS NOT COMPLETED WITHIN
15 THE TIME LIMITS SET BY THE DISCOVERY PLAN**

16 This is a complex 42 U.S.C. § 1983 case where Plaintiff is alleging constitutional
17 violations of her First, Fourteenth, Eighth, and Fourth Amendment rights, in addition to state law
18 tort claims of Negligence, Intentional Infliction of Emotional Distress, Concert of Action, Elder
19 and Abuse. Defendants have filed a Motion to Dismiss and Plaintiff has filed a Motion to Amend
her Third Amended Complaint.

20 Prior to January 25, 2023, no FRCP 26(f) conference was held, and no discovery took
21 place. On February 8, 2023 the court entered an order setting this matter for a settlement
22 conference for March 10, 2023.¹ On March 3, 2023, Defendants filed a Motion to Extend
23 Deadline to Submit Confidential Settlement Statement.² Defendants' motion was granted on
24 March 7, 2023 and the Settlement Conference was rescheduled to March 29, 2023.³ Due to the
25 unavailability of Plaintiff's counsel on March 29, 2023, the Settlement Conference was
26

27

¹ ECF No. 68

28 ² ECF No. 69

³ ECF No. 70



1 rescheduled to April 25, 2023.⁴

2 The settlement conference took place on April 25, 2023 but this matter did not resolve.⁵
 3 Because this was a matter placed into the Federal Pro Bono Program, the parties were hopeful
 4 that the matter could resolve at the Settlement Conference and therefore agreed to hold off on
 5 conducting discovery until after the Settlement Conference. Since this matter did not resolve,
 6 the parties will now begin meaningful discovery and respectfully request a re-set of the discovery
 7 deadlines.

8 Discovery will require gathering numerous institutional records as well as discovery
 9 regarding the Defendants' personal participation in the events alleged to have violated Plaintiff's
 10 constitutional rights, and third-party discovery directed at the Nevada Department of
 11 Corrections, the Inspector General's office, and percipient witnesses.

12 The parties will need sufficient time to obtain, review, and analyze these records, and to
 13 take the depositions of several witnesses, including plaintiff, defendants, and ultimately, the
 14 parties' expert witnesses.

15 The parties respectfully submit that this revised discovery plan is an efficient and realistic
 16 schedule for completing the significant amount of discovery contemplated in this case.

17 **IV. PROPOSED SCHEDULE FOR COMPLETING REMAINING DISCOVERY**

18 The parties jointly propose the following discovery plan, which allows approximately
 19 180 days to complete discovery:

	<u>Current Date</u>	<u>Proposed Date</u>
21 Discovery Cut-Off:	July 24, 2023	November 29, 2023
22 Final date to file motions to amend 23 pleadings or add parties (without a further court order):	April 25, 2023 <i>(90 days before discovery cut-off)</i>	August 31, 2023 <i>(90 days before discovery cut-off)</i>
24 FRCP 26(a)(2) Expert 25 Disclosures:		
26 i. Initial disclosure:	May 25, 2023 <i>(60 days before discovery cut-off)</i>	September 29, 2023 <i>(60 days before discovery cut-off)</i>

28 ⁴ ECF No. 73

⁵ ECF No. 84



1	ii. Rebuttal disclosure:	June 26, 2023 (30 days after initial disclosures)	October 30, 2023 (30 days after initial disclosures)
2	Dispositive Motions:	August 23, 2023 (30 days after discovery cut-off)	December 29, 2023 (30 days after discovery cut-off)
3	Joint Pre-Trial Order:	September 22, 2023 (30 days after dispositive motions)	January 29, 2024 (30 days after dispositive motions)

5 If no dispositive motions are filed, the Joint Pretrial Order shall be filed by April 19, 2024,
 6 ~~which is no later than thirty days after the date set for the filing of dispositive motions.~~ In the
 7 event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended
 8 until thirty days after the decision on the dispositive motions or by further order of the court.

9 The parties anticipate that, pending any unforeseen circumstances outside the parties'
 10 control, the above extension of the current discovery deadlines should allow the parties to conduct
 11 and complete the outstanding discovery.

12 This first request for an extension of the current discovery deadlines is made by the parties
 13 in good faith and not for the purpose of delay.

14 DATED: May 19, 2023.

15 DATED: May 19, 2023.

16 **THE VIEIRA FIRM**

17 By: /s/ Andréa L. Vieira
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 22 *Court Appointed Pro Bono*
 23 *Attorney for Plaintiff*

16 **OFFICE OF THE ATTORNEY GENERAL**

17 By: /s/ Leo T. Hedges
 18 LEO T. HENDGES, ESQ
 19 Nevada Bar No. 16034
 20 555 E. Washington Ave., Ste. 3900
 21 Las Vegas, Nevada 89101
 22 *Attorneys for Defendants*

23 **ORDER**

24 IT IS SO ORDERED.



25 UNITED STATES MAGISTRATE JUDGE

26 5-23-2023

27 DATE: _____